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Attorneys for American Institutional Partners, LLC

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

In re: AIP RESORT DEVELOPMENT,
LLC,

Debtor.

**Bankruptcy No. 10-25027 JAB
(Chapter 7)**

Honorable Joel T. Marker

**AMENDED
NOTICE OF DEPOSITION OF
ABRAXAS J. DISCALA**

(VIA ECF)

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Bankruptcy Procedure 9014 and 7030, in relation to *MOTION TO DISMISS CHAPTER 7 CASE PURSUANT TO 11 U.S.C. §§ 707(A) AND 305(A)(1)* [Docket No. 260], American Institutional Partners, LLC (“AIP”) will conduct a deposition of Abraxas J. Discala on

May 26, 2011 at 10:00 a.m. Eastern Time, at the offices of Ciardi Ciardi and Astin, 100 Church Street, 8th Floor, New York, New York 10007, related to the topics identified on Exhibit A hereto.

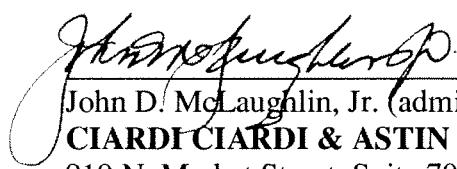
PLEASE TAKE FURTHER NOTICE that the deposition will be conducted under oath and before a court reporter and videographer.

Dated: May 24, 2011

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Exhibit A

1. The allegations contained in the *Motion to Dismiss Chapter 7 Case Pursuant to 11 U.S.C. §§ 707(a) and 305(a)(1)* [Docket No. 260].
2. The allegations contained in the *Objection to Claims of AD Capital, LLC* [Docket No. 159].
3. The factual assertions contained in the *Response to Objection to Claims of AD Capital, LLC* [Docket No. 194].
4. The preparation and filing of the Involuntary Petition in the above-referenced bankruptcy case [Docket Nos. 1 and 2].
5. The preparation and filing of the Statement of Financial Affairs [Docket No. 35].
6. All matters concerning the case styled *AD Capital, LLC v. AIP Resort Development, LLC, et al.*, Index No. 100028/10, filed on Jan. 4, 2010 in the Supreme Court of the State of New York, County of New York.
7. The basis for AD Capital's claims (whether secured or unsecured) against the Debtor's estate, including the basis for the calculation of such claims.
8. Discussions between AD Capital and: (a) Lockhart & Monroe and/or its counsel; (b) Fairstar Resources, Ltd. and/or its counsel; (c) David L. Miller, Esq., both prior to and following his appointment as Chapter 11 Trustee in this case; (d) Parsons Kinghorn Harris, P.C.; (e) Elliott B. Lockhart; (f) Lockhart & Monroe; (g) Dean Krestchmar; (i) Robert Brazell; (j) Deidre Bowe and/or her counsel; (k) Newell Kenneth Bowe and/or his counsel; (l) Barry Silverton and/or his counsel; (n) Baron Silverton and/or his counsel; (n) Talos Partners and/or its counsel; (o) Rod Rasmussen; (p) Allan

Cottle; (q) Ken Beck; (r) Neil Richardson; (s) Paul Benson; (t) Victor P. Haley, Esq.; (u) Lewis Bacon; (v) Michael Garfinkle; (w) Herbert Hoyle; (x) Kenneth Griswold; (y) Mimi Kim Griswold; (z) Victoria Fitlow; (aa) Paul Peters; (bb) Lee T. Dicker, Esq.; and (cc) Talos Partners and/or its counsel.

10. All other documents produced in response to the First Request for Production of Documents to Abraxas J. Discala.